

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
Amendment of Part 90 of the Commission's Rules)	
To Improve Access to Private Land Mobile Radio)	WP Docket No. 16-261
Spectrum)	
)	
Land Mobile Communications Council)	
Petition for Rulemaking Regarding Interim)	
Eligibility for 800 MHz Expansion Band and)	
Guard Band Frequencies)	RM-11719
)	
Petition for Rulemaking Regarding Conditional)	
Licensing Authority Above 470 MHz)	
)	
)	RM-11722
)	

**COMMENTS BY THE STATE OF FLORIDA
TO THE NOTICE OF PROPOSED RULEMAKING**

1. The State of Florida, Department of Management Services, Division of Telecommunications (the department), Bureau of Public Safety offers these comments to the notice of proposed rulemaking (the NPRM) in the above referenced matter. As a licensed user of public safety spectrum, and an agency with regulatory responsibility for other state and local public safety agencies within Florida, the department has a direct interest in the outcome of this proceeding. The department's comments include reference to the corresponding paragraph numbers of the NPRM.
2. The State of Florida's Statewide Law Enforcement Radio System (SLERS) utilizes primarily 800 MHz frequency spectrum in the National Public Safety Planning Advisory Committee (NPSPAC) band, Mid-Band and others – including 700 MHz Public Safety narrowband frequencies.
3. (Re: ¶16-19) The department supports the Federal Communications Commission's (FCC's) tentative conclusion to amend sections 90.159 and 1.931 to expand conditional authority to 800 MHz Public Safety Pool frequencies 10 days after the application is submitted to the FCC. This would provide public safety agencies the opportunity to meet their communications needs prior to receiving radio station authority; but, after the applications succeeds through the frequency coordination process. Public safety agencies typically experience a lengthy process that includes planning, budgeting, purchasing and implementing their radio systems. Providing conditional authority will avoid delays mid-stream of their process to await issuance of a radio station license that could potentially compromise their budget and spending authority. For the same reasons, the department also supports including 769-775/799-805 MHz (700 MHz) Public Safety narrowband frequencies for conditional authority.

4. (Re: ¶20) Applicants should be required to obtain Regional Planning Committee (RPC) concurrence prior to conditional licensing of 800 MHz NPSPAC and applicable 700 MHz Public Safety frequencies.¹ In Florida, this process for concurrence already occurs prior to action by FCC-certified frequency coordinators. So long as the FCC-certified coordinators continue enforcing this established process, the department does not see any added potential interference with existing public safety communications systems.
5. (Re: ¶21-23) The department disagrees with the proposal by the Mobile Relay Associates (MRA) for all Part 90 applicants. Part 90 Public Safety channels that are subject to frequency coordination would have already been processed to mitigate inference prior to conditional licensing. The department further disagrees with MRA's proposal to discontinue operations under conditional licensing if the application remains pending for more than 180 days for reasons beyond the control of the applicant. Applications pending for more than 180 days for actions beyond the control of the applicant should be cause for extending the expiration date of the conditional license. Conditionally authorized applicants should only be expected to discontinue operations upon notification from the FCC or expiration of the conditional license, not upon filing of petitions or informal objections pending final action by the FCC.
6. In conclusion, the department supports conditional licensing for Part 90 Public Safety frequencies and opposes MRA's proposal. In each instance, the frequency coordination process should be already established to mitigate potential interference.
7. Thank you for the opportunity to comment. For any additional information concerning these comments, contact Mr. Carlton Wells at (850) 922-7426, email carlton.wells@dms.myflorida.com.

Respectfully submitted,

Matt Matney, Bureau Chief
Bureau of Public Safety
Division of Telecommunications
State of Florida

November 22, 2016

CWW: Comments to NPRM in WPD 16-261

Cc: Joint Task Force Chair
Florida Region 9 Chair

¹ The 700 MHz Public Safety frequencies may be administered differently by each RPC. In Florida, 700 MHz General Use frequencies are administered by Florida's RPC; whereas, the 700 MHz Interoperable Use and Air-Ground frequencies are administered by the State of Florida – both with a respective [communications plan](#).